

11-04-03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:) FOLDING CHAIR
MICHAEL B. FOY)
Serial No. 10/619,844) Group Art Unit _____
Filed July 15, 2003) Preliminary Class: _____
Docket No. FOY002) Customer No. 23587

CITATION OF PRIOR ART

Commissioner for Patents
Box Non-Fee Amendment
Washington, D.C. 20231

Sir:

It is requested that the following United States patents be considered by the Examiner in his examination of the above-identified application:

Howarth	63,897
. Wilson	162,447
Merritt et al.	317,402
Hopkins	326,564
Silverman	1,704,712
Schmitt	1,800,107
Wang	4,415,201
Goetz	Des. 314,871

Enclosed is a copy of each of the above patents and an Information Disclosure Statement By Applicant (Form PTO/SB/8A).

Briefly, the invention relates to a folding chair including a frame having side, top and bottom walls, first and second pairs of legs, a seat between the legs, a first pair of leg pivots connecting respective legs together, a second pair of leg pivots engaging a first pair of cooperating slots for connecting first leg upper ends to the frame, a third pair of leg pivots for connecting second leg lower ends to the frame, a first pair of seat pivots for connecting the seat to second leg upper ends, and a second pair of seat pivots rearward on the seat of the first seat pivots engaging a pair of cooperating slots for connecting the seat to the first leg pair. The chair is foldable from an open position with seat and legs extended to a closed position with seat and legs aligned within the frame.

Pivoting arm rests and a seat back can be provided.

Of the prior art patents cited, the most pertinent prior art patents appear to be Wang, Goetz, Merritt et al., Howarth and Hopkins.

In Wang, a folding chair is shown with a reversible seat and having sliding grooves on the inner side of the upper legs to facilitate up and down sliding movement of the seat while folding it for storage.

In Goetz, a folding chair is shown with a seat movable along grooves formed in the upper legs.

In Merritt et al., a chair is shown which has two pairs of pivots and slide grooves enabling the chair to be

folded flat. One set of grooves on the upper legs permits the seat to slide therealong and the other set of grooves connecting the legs together permitting the legs to move linearly relative to each other.

In Howarth, a folding chair is shown with grooves formed in the upper legs for guiding movement of the seat.

In Hopkins, a flexible seat is supported by front and rear bars, the rear bar sliding in opposed grooves defined in spaced, upright back standards.

In Schmitt, a metal chair is shown in which the seat is provided with sliding pivot blocks that move within channels defined in the chair leg.

In Silverman, a metal chair is disclosed where the upper ends of the rear legs have pivots sliding within grooves defined in the sides edges of the seat.

In Wilson, the ends of the front legs of a chair are each slidable in a slot defined in a horizontal supporting bar.

Presented in the application are 41 claims with claims 1, 18, and 39 being independent and the remaining claims being dependent on these 3 claims. The above patents illustrate a portion of the wide array of folding chairs that have been designed, but none are constructed within the scope of the claims presented by the applicant.

Independent claim 1 calls for a chair including a frame having spaced side walls and top and bottom walls, a first pair of spaced legs, a second pair of spaced legs between the first legs, a first pair of pivot means rotatably connecting one of each pair of legs together, a

second pair of pivot means engaging a first pair of sliding slots rotatably connecting the first legs to the frame, a third pair of pivot means rotatably connecting the second legs to the frame, a seat between the first and second legs, a fourth pair of pivot means rotatably connecting the seat to the second legs, and a fifth pair of pivot means engaging a second pair of sliding slots rotatably connecting the seat to the first legs.

None of the prior art patents or combination thereof show this claimed construction. Particularly, none of the prior art patents include a frame and therefore none can teach a chair construction with the arrangement of parts and the pivot and sliding connections between parts as claimed. Thus, claim 1 should be patentable. Allowance is respectfully solicited.

Claims 2 through 17 are dependent on claim 1 and are believed to be patentable for the same reasons set forth with respect to claim 1 and should also be allowed.

Independent claim 18 is somewhat similar to claim 1, but specifies that the chair has a frame including spaced top and bottom walls and spaced side walls, a first pair of spaced legs, a second pair of spaced legs, the second legs pivotally connected to the first legs and pivotally connected to the frame, a first pair of sliding pin joints for connecting the first legs to the frame, a seat between the first and second legs and pivotally connected to the second legs, and a second pair of sliding pin joints for connecting the seat to the second legs.

Once again no similar chair with a frame is shown in the prior art and therefore none can have the parts and pivot and sliding connections between those parts as set forth in claim 18. Since no similar structure is shown or taught by the prior art, claim 18 should be allowed as well as claims 19 - 38 depending therefrom.

Independent claim 39 is also somewhat similar to claim 1, but specifies that the chair has a frame including spaced top and bottom walls, spaced side walls and a back wall, the top, bottom and side walls being made of relatively thin material having a generally L-shaped cross section and defining a cavity not more than 1-3/4 inches deep, a second pair of spaced side walls extending between the top and bottom walls inward of the first side walls, a first pair of spaced legs, a second pair of spaced legs pivotally connected to the first legs and pivotally connected to the frame, a first pair of sliding pin joints for connecting the first legs to the inner side walls, a seat between the first and second legs and pivotally connected to the second legs, a second pair of sliding pin joints for connecting the seat to the second legs, the seat foldable within the frame cavity, and hanger receiving means for hanging the frame.

No similar chair and frame structure is shown or suggested by the prior art with the parts arranged and pivotally and slidably interconnected as set forth in claim 39. Therefore, claim 39 should be allowed as well as claims 40 and 41 depending therefrom.

None of the prior art concerning folding chairs suggests the relationship and interconnection of parts as claimed. Since none of the above prior art patents shows the applicant's concept for a folding chair within a relatively thin frame, the prior art is dissimilar to the applicant's design and does not bar allowance of the presented claims.

For the reasons stated, it is believed that all of the claims are patentably distinguishable over the foregoing patents in the prior art, and an early action on the merits is solicited.

Respectfully submitted,

Date: November 3, 2003


John C. Shepard
Reg. No. 28345
Attorney for Applicant

575 Sunset Road
Winnetka, Illinois 60093
(847) 965-8660



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CERTIFICATE OF MAILING

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Sir:

I hereby certify that the attached

CITATION OF PRIOR ART

is being deposited at Winnetka, Illinois, by John C. Shepard, attorney for the applicant, in the United States mails as [] First Class Mail or as [X] Express Mail (#EU646446541US), postage prepaid, in an envelope addressed as indicated above on the date indicated below.

The undersigned declares that all statements made herein are true, based upon the best available information; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: November 3, 2003


John C. Shepard

Reg. No. 28345

Attorney for Applicant

575 Sunset Road
Winnetka, Illinois 60093
(847) 965-8660